

ENTERED

December 17, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SAMAD SEFIANE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. H-19-527
	§	
COMMISSIONER OF THE SOCIAL	§	
SECURITY ADMINISTRATION,	§	
	§	
Defendant.	§	

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

Pending is Defendant's Motion to Dismiss (Document No. 47). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Defendant's Motion to Dismiss be GRANTED, and that this proceeding be DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction. Plaintiff did not file Objections per se to the Memorandum and Recommendation, but has filed a Motion for Summary Judgment, which is without merit, and a Motion to Exhaust Administrative Remedies, which is not a necessary predicate to Plaintiff exhausting administrative remedies. (Document Nos. 54 and 55).

The Court, after having made a *de novo* determination of the Defendant's Motion to Dismiss, the Memorandum and Recommendation, and Plaintiff's subsequent filings, is of the opinion that the findings and recommendations of the Magistrate Judge are correct

and should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on November 2, 2021, which is adopted in its entirety as the opinion of this Court, that Defendant's Motion to Dismiss (Document No. 47) is GRANTED, and this case is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction resulting from Plaintiff's failure to exhaust his administrative remedies.

The Clerk will enter this Order, providing a correct copy to all counsel of record.

SIGNED at Houston, Texas, on this 17TH day of December, 2021.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE